

MARCH 31, 200

SCHAKOWSKY JOINS INTERNATIONAL UNION OF POLICE ASSOCIATIONS AND OTHER FIRST RESPONDER ORGANIZATIONS IN OPPOSING SMALLPOX LEGISLATION

WASHINGTON, D.C. - U.S. Representative Jan Schakowsky (D-IL) joined the International Union of Police Associations and other first responder organizations in opposing H.R. 1463, the Smallpox Emergency Personnel Protection Act. H.R. 1463 was defeated by a vote of 184 -206.

"H.R. 1463 is an ill-considered bill that fails to provide adequate compensation for persons volunteering for the smallpox inoculation and, therefore, will undermine the very goal of encouraging first responders to participate in the vaccine program," Schakowsky said.

She added, "H.R. 1463 fails to offer meaningful compensation, does not have guaranteed funding, and attempts to coerce first responders into getting inoculated. Our first responders deserve better. They deserve a full and fair smallpox compensation package."

The full text of Schakowsky's Congressional Record statement is below:

The Smallpox Emergency Personnel Protection Act (H.R. 1463) is rushed to the House floor today for a vote under suspension. While this is emergency legislation, we have a responsibility to ensure that the compensation we offer our first responders is both adequate and meaningful. I have serious concerns about the deficiencies in H.R. 1463 and the process by which it was brought to the floor. This is an ill-considered bill that fails to provide adequate compensation for persons volunteering for the smallpox inoculation and, therefore, will undermine the very goal of encouraging first responders to participate in the vaccine program. Three recently immunized military personnel and civilian health care workers have died of fatal heart attacks and federal health experts are investigating at least 15 more cases of possible cardiac reactions to the immunization. Given recent events such as these, the limitations of H.R. 1463 will likely result in even more refusals by first responders to volunteer for the smallpox vaccine.

Representative Burr has proposed a smallpox vaccine compensation program that will not work. H.R. 1463 fails to offer meaningful compensation, does not have guaranteed funding, and attempts to coerce first responders into getting inoculated.

H.R. 1463 is based on a false assumption. The program Representative Burr has proposed is designed to work in conjunction with other benefit programs, such as workers' compensation and health insurance, and is intended primarily to deal with death and total, permanent disability. In the case of smallpox, however, there are no guarantees that a person injured by the smallpox vaccine will be covered by workers'

compensation or will be adequately insured. As a result, those injured by the smallpox vaccine may receive far less total compensation than other first responders currently covered by their Public Safety Officers Benefit program.

How would HR 1463 compensate a thirty year old nurse in the event of death or permanent and total disability? She/he or their survivors would be eligible for a one-time lump sum payment of \$262,100. This amount is equivalent to five years' pay for the average nurse. This cap is unacceptable. Partial and temporary disabilities as a result of the smallpox vaccine are also arbitrarily capped with a lifetime payout at \$262,100. Compensation should be provided to workers for the duration of disability or to families until the spouse remarries or the children are no longer minors. If workers are worried about their economic security, and that of their families, they for good reason will continue to be reluctant about getting the vaccination.

Even though the compensation offered through H.R. 1423 is scant at best, our first responders can not even rely on benefits offered because there is no guaranteed funding. Representative Burr's legislation is funded by discretionary spending and would be subject to the annual appropriations process. Funding for compensation and medical care should be mandatory spending, similar to the Vaccine Injury Compensation Program for injuries due to childhood vaccines. Workers should not have to worry each year about whether there will be an adequate appropriation to provide promised benefits and medical care.

As if lack of compensation and funding did not make this bill already untenable, H.R. 1423 attempts to coerce workers into getting the vaccine. Current workers must receive the vaccination within 180 days following the issuance of interim final regulations in order to be eligible for compensation. New hires must be vaccinated within 120 days of hire to be eligible. There is no exception in the event that the public health department is unable to meet the deadline or if a worker has a temporary condition that prevents her/him from getting a vaccination right away, such as pregnancy or the presence of an infant at home. Smallpox vaccinations should be voluntary. When legislation only allows first responders to be eligible for compensation if they are vaccinated within days of the bills passage, we know that people on the front line are being manipulated into getting the vaccine and getting it quickly.

Our first responders deserve better. They deserve a full and fair smallpox compensation package. Unfortunately, we do not have the opportunity to correct the deficiencies in H.R. 1463 because we are denied the opportunity to consider amendments. I oppose H.R. 1463 and look forward to voting on an effective alternative when the bill is brought under a rule.